

March 23, 2006

VIA EMAIL AND HAND-DELIVERY TO MR. TODD LANG

Citizens Clean Elections Commission
State of Arizona
1616 West Adams, Suite 110
Phoenix, Arizona 85007

Re: Request for No-Action Letter by Janet Napolitano 2006
Acceptance of \$5 Contributions via Joint Checks

Dear Commissioners:

I write on behalf of Janet Napolitano 2006, the Governor's re-election campaign committee, to request a no-action letter regarding proposed campaign fundraising activity pursuant to your Rule R2-20-703(B).

The Governor has been certified as a participating candidate, and her campaign is in the process of collecting \$5 qualifying contributions. The campaign has received many \$10 checks drawn on joint accounts and accompanied by signed \$5 reporting slips for both holders of the joint account. (For example, Bob and Jane Smith would send a \$10 check from their joint account along with two signed \$5 reporting slips, one for Bob Smith and one for Jane Smith.)

Some of the \$10 checks have been signed by both account holders, but some are signed by only one. We believe that, so long as each of the joint account holders has signed a \$5 reporting slip indicating that the contribution is being made by them and with their consent, the campaign should be able to retain and deposit the \$10 checks and count both contributions toward the minimum number needed to qualify for funding.

The Clean Elections statutes and regulations do not specifically address this issue, but they do not expressly forbid candidates from retaining the full \$10 contribution so long as it is accompanied by signed \$5 reporting slips from both contributors:

- A.R.S. § 16-946(b) provides that qualifying contributions must be accompanied by a \$5 reporting slip with the name, registration address, and signature of the contributor. The statute does not set signature requirements for the check making the \$5 contribution.
- R2-20-105 provides that \$5 reporting slips must be signed by the contributor, but does not set signature requirements for the check making the \$5 contribution.

The contributions at issue in this request comply with the requirements of A.R.S. § 16-946 and R2-20-105, because each \$5 received is accompanied by a \$5 reporting slip completed and signed by a contributor.

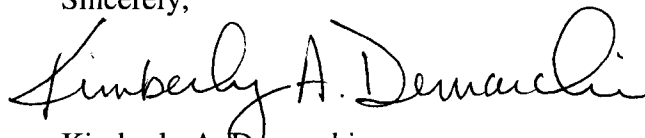
Generally applicable campaign finance law also supports this request. A.R.S. § 16-904 permits multiple contributors to make contributions using a single check or money order and to direct the campaign as to how the contribution should be allocated among the multiple sources of funds:

Unless specified by the contributor or contributors to the contrary, the treasurer shall record a contribution made by check, money order or other written instrument as a contribution by the person whose signature or name appears on the bottom of the instrument or who endorses the instrument before delivery to the committee. *If a contribution is made by more than one person in a single written instrument, the treasurer shall record the amount to be attributed to each contributor as specified.*

A.R.S. § 16-904(F). Under this statute, the separate \$5 reporting slips received from each joint account holder serve as a "specification" by the contributors that the \$10 check is to be allocated by the campaign treasurer as a \$5 contribution from each account holder.

For these reasons, the Janet Napolitano 2006 campaign requests a no-action letter from the Commission permitting it to accept and count, as two separate \$5 contributions, \$10 checks drawn on joint accounts and signed by one account holder, so long as those contributions are accompanied by signed \$5 reporting slips from each of the joint account holders.

Sincerely,

A handwritten signature in black ink, reading "Kimberly A. Demarchi". The signature is fluid and cursive, with the first name "Kimberly" being more prominent and the last name "Demarchi" following in a similar style.

Kimberly A. Demarchi

KAD/kad